

1 Andrew H. Wilson  
WILSON, RYAN & CAMPILONGO  
2 235 Montgomery Street  
Suite 450  
3 San Francisco, California 94104  
(415) 391-3900

4 Laurie J. Bartilson  
5 BOWLES & MOXON  
6255 Sunset Boulevard, Suite 2000  
6 Hollywood, CA 90028  
(213) 953-3360

7 Attorneys for Plaintiff  
8 CHURCH OF SCIENTOLOGY  
INTERNATIONAL

**FILED**

APR - 5 1994

HOWARD HANSON  
MARIN COUNTY CLERK  
by P. Fan, Deputy

SUPERIOR COURT OF THE STATE OF CALIFORNIA

FOR THE COUNTY OF MARIN

11 CHURCH OF SCIENTOLOGY ) CASE NO. 157 680  
12 INTERNATIONAL, a California not- )  
for-profit religious corporation, ) [~~PROPOSED~~] ORDER  
13 ) RE DEMURRER TO FIRST  
14 ) AMENDED CROSS-COMPLAINT  
15 Plaintiff, )  
16 vs. )  
17 )  
18 GERALD ARMSTRONG; DOES 1 through )  
25, inclusive, ) DISCOVERY CUT-OFF: None  
19 ) MOTION CUT-OFF: None  
20 Defendants. ) TRIAL DATE: None  
21 )

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**APR 06 1994**

**HUB LAW OFFICES**

**COPY**

1           Having reviewed and considered plaintiff Church of  
2 Scientology International's demurrer to defendant Gerald  
3 Armstrong's First Amended Cross-complaint, together with the  
4 points and authorities and exhibits filed by the parties in  
5 support of the demurrer and in opposition to the demurrer,

6           It is ORDERED that:

7           1.    The demurrer to the First Amended Cross-complaint is  
8 SUSTAINED.

9           2.    As to the first cause of action for declaratory relief,  
10 cross-complainant seeks a declaration of issues which will be  
11 determined in the Los Angeles Superior Court actions  
12 (enforceability of settlement contract) or in the underlying  
13 complaint (ability of plaintiff to recover under the Uniform  
14 Fraudulent Transfer Act). See California Ins. Guarantee Assn. v.  
15 Superior Court (1991) 231 Cal.App.3d 1617, 1623-1624.

16           3.    As to the second cause of action for abuse of process,  
17 cross-complainant fails to allege any "wilful act in the use of  
18 the process not proper in the regular conduct of the proceeding."  
19 See Oren Royal Oaks Venture v. Greenberg, Bernhard, Weiss &  
20 Karma, Inc. (1986) 42 Cal.3d 1157, 1168. All of the allegations  
21 regarding plaintiff's pursuit of this litigation go to the first  
22 element of the cause of action, "ulterior purpose." Id. Cross-  
23 complainant shall have 20 days' leave to amend to state a cause  
24 of action, if he can.

25           4.    Plaintiff's failure to tab its exhibits on the Court's  
26 copy as required by Local Rule 2.03B increased the Court's burden  
27 in analyzing the demurrer. Plaintiff shall pay sanctions in the  
28 amount of \$49 to the clerk of the court within ten (10) days for



1 its failure to comply with Local Rules. Cal.Rules of Court, Rule  
2 227.

3 Dated APRIL 4, 1994

GARY W. THOMAS

GARY W. THOMAS  
Judge of the Superior Court


6 Respectfully submitted,

7 Andrew H. Wilson  
8 WILSON, RYAN & CAMPILONGO  
9 BOWLES & MOXON

10 By: Laurie J. Bartilson  
11 Laurie J. Bartilson

12 Attorneys for Plaintiff  
13 CHURCH OF SCIENTOLOGY  
INTERNATIONAL

14 APPROVED AS TO FORM:

15   
16 By: Ford Greene

17 Ford Greene, Esq.  
18 HUB LAW OFFICES  
19 Attorney for Defendants  
GERALD ARMSTRONG and THE GERALD  
ARMSTRONG CORPORATION

20  
21 By: Michael Walton  
22 Michael Walton, Esq.  
23 Pro Se

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